

A Commission for Children and Young People

City of Edinburgh Council

12 May 2005

1 Purpose of report

- 1.1 To inform the Council of further developments supporting the establishment of a Commission for Children and Young People in the City of Edinburgh, agreed in principle in Council Report 19th August 2004 no CEC/44/04-05/ED
- 1.2 To advise the Council of the outcome of the consultation with stakeholders, agreed by the Council at its meeting on 19th August 2004 about the role and function of a Commission for Children and Young People.
- 1.3 To provide further information on the possibility of using the expertise and experience developed by Edinburgh Youth Social Inclusion Partnership (EYSIP) in the establishment of such a body.
- 1.4 To recommend further action needed to set up the Commission.

2 Summary

- 2.1 The report includes a detailed proposal for the establishment of a Commission, outlines issues from the consultation with stakeholders and sets out work undertaken by EYSIP relevant to the Commission's role.

3 Main report

Consultation Feedback

- 3.1 Consultation took place with Council Departments, partner agencies including Lothian NHS Board and Lothian and Borders Police, the Scottish Commissioner for Children and Young People, Edinburgh Leisure, voluntary sector agencies and with children and young people themselves.
- 3.2 Stakeholders were asked to identify whether services exist where there might be potential for overlap with a Commission's functions, to comment on the general principle of a Commission being established in Edinburgh, what the priorities for such a service might be, and what its status, line of accountability and usage might be.

- 3.3 The concept and broad principle of establishing a Commission were well supported and respondents saw value for their own organisations in having such a body in the city, particularly in relation to promoting a socially inclusive approach to service planning and provision.
- 3.4 A number of respondents emphasised the need to avoid duplication and ensure effective interfaces with existing services such as the Youth Services Team, the Children's Rights Officers, other local services supporting participation and advocacy, and the Scottish Commissioner for Children and Young People. The proposal reflects a clear and specific role for a city level Commission specifically in relation to socially excluded young people. This would support the statutory duty of community engagement and ensure that progress towards mainstreaming equalities was effectively supported. It would function in a complementary role in relation to the city's Youth Services Team, promoting the rights and participation of those children and young people least able or likely to access mainstream youth provision.
- 3.5 The importance of such an organisation being objective and independent was seen as integral to its effective functioning. Related to that were the questions of its authority and its reporting structure. Views expressed indicated that a Commission should not report to or be closely identified with any individual organisation. A mechanism for this would need to be developed and agreed by relevant partners during the development phase.
- 3.6 Several respondents questioned whether a Commission without an identifiable figurehead or 'children's champion' would achieve the appropriate level of effectiveness. It was also seen as important that the Commission was seen as a new and discrete organisation. While the experience and achievements of Edinburgh Youth SIP were acknowledged, there was concern that the impact of a Commission could be undermined were it to be seen largely as a continuation of EYSIP. Ensuring that there is a period of time between the winding down of EYSIP and the launch of the Commission would address this.
- 3.7 Children and young people themselves expressed strong and positive support for the establishment of a Commission. They felt that it could have a positive impact on issues that concerned them and could ensure that their views were represented in decision-making processes.
- 3.8 The Scottish Commissioner for Children has indicated that she would view such local developments as valuable both in promoting children's interests in the city and as complementary to her own role.

Edinburgh Youth Social Inclusion Partnership

- 3.9 Edinburgh Youth Social Inclusion Partnership was established in 1998 with specific grant from the Scottish Executive. It is the only thematic SIP in the city. It has operated a grant programme for small projects and for undertaking action research in relation to issues concerning vulnerable young people. It has also been particularly concerned with the development of youth representation, participation and involvement. Within this, it has focused substantially on ensuring that the views and aspirations of the most vulnerable and disadvantaged young people are encouraged, articulated and represented.
- 3.10 EYSIP has acquired substantial and almost unique experience in the UK in promoting the involvement of young people from a wide range of socially excluded groups. The focus has, however, been on the upper end of the age range, its work generally taking place with young people aged 14 to 21.

- 3.11 EYSIP is currently constituted as a not-for-profit public limited company governed by a Board of Directors. Directors represent voluntary and statutory agencies. The City of Edinburgh Council is the accountable body for the Scottish Executive funding. The SIP programme is now drawing to an end and all Social Inclusion Partnerships will cease to exist on 31 March 2005. Geographic partnerships will continue to operate as part of the Community Planning process and residual grant-giving activity will be undertaken by the Capital City Partnership.
- 3.12 The Board of Directors of EYSIP have been actively concerned to maximise the potential for ensuring that the expertise, experience and achievements of EYSIP continue to benefit young people in the city after its conclusion. They have therefore developed a proposal to establish a Commission for Children and Young People drawing significantly on the work of EYSIP.
- 3.13 EYSIP has been instrumental in the promotion of young people's participation in the city and in raising awareness of young people's rights as citizens, consumers, and users of public services. Numerous examples exist of effective involvement in this area of work.
- a Extensive consultation with and involvement of young people in the establishment of the city's multi-agency youth services strategy Youngedinburgh.
 - b Development work has been undertaken and a pack produced which supported young people's participation in formal meetings.
 - c Young people in care placements have been supported to become more involved in the formal processes of planning which affect them.
 - d Outreach work with young men from black and minority ethnic communities in relation to mental health needs has taken place.
 - e Specific services for young people with epilepsy have been developed.
 - f Young lone parents have been involved in designing informational material which meets their needs.
 - g The inclusion of young people from black and minority groups in mainstream services has been actively promoted.
 - h Young homeless people have been involved in planning the city's Homelessness Strategy.
 - i Young people were enabled to engage positively with consultation on the Anti-social Behaviour Strategy.
 - j The Citizen Y campaign has been effective in countering negative public and media perceptions of young people.
- 3.14 The positive experience and expertise developed through the above activities would be of great value in setting up a local Commission. The current EYSIP Board of Directors has indicated willingness to work with the Council and its partners in designing and establishing a Commission and to manage the process of development.
- 3.15 It is recognised that there are areas of activity which the proposed Commission would undertake which have not been within the remit of EYSIP. In particular, the Commission would be required to represent and promote the interests of children under fourteen. It would therefore need to have the capacity to use different approaches and methodologies. This would need to be taken account of fully in the work undertaken during the development phase.

Promotion of Children's Rights

- 3.16 One of the key underpinning principles of the United Nations Convention on the Rights of the Child is participation. Many local and national governments have articulated their own commitments to children and young people's rights and empowerment based on this. A number of authorities have set up offices which both monitor the impact of these policies and promote actively their implementation. Edinburgh is working towards becoming an International Child Friendly City recognised by UNICEF. Commitment to the rights of children is an essential feature of being awarded this status.
- 3.17 Examples of a Children's Commissioner are more prevalent and longer-standing in other countries than in the UK. In Scandinavia particularly, Commissioners contribute substantially to increasing active citizenship. Even young children participate in decision-making and there are significantly higher levels of involvement among young people in the democratic process. Evidence from Australia and New Zealand indicates that the existence of a Commission not only increases participation in decision-making but also has a significant impact of children's and young people's awareness of their rights as articulated in the UN Convention.
- 3.18 The current Edinburgh proposal would provide an almost unique service at city level. Few examples exist of a city Commission or Commissioner in the UK though London has recently established a Children's Commissioner.

Proposal for an Edinburgh Commission for Children and Young People

- 3.19 The proposed remit and functions of the Commission is appended (Appendix 1). The two key aspects of proposed activity directly link to duties or commitments of the Council and its partners. Firstly, the statutory process of community planning would be better coordinated and more effectively delivered in relation to particular communities of interest. Secondly, public confidence in services can be reinforced by the openness and transparency inherent in external independent scrutiny.

4 Conclusions

- 4.1 A Commission would benefit children and young people in the city and promote their interests actively. The current proposal would capitalise on the expertise and experience of EYSIP in achieving this.

5 Financial Implications

- 5.1 The indicative cost of the proposed Commission is £230,000 per annum. At present £50,000 has been set aside by the Capital City Partnership to support the establishment of a Commission.
- 5.2 The Board of Directors of EYSIP, working alongside the Council and other partners, will be tasked with identifying a sufficient level of additional funding to enable the Commission to be set up. This will involve seeking contributions from mainstream budgets of partner agencies on an equitable basis. The principle of independence and objectivity would be more effectively delivered if funding is not closely identified with one partner.
- 5.3 A sum of £47,000 is required to support the work required in the transition period April to September 2005.

6 Recommendations

- 6.1 To approve the proposal to establish a Commission for Children and Young People in Edinburgh.
- 6.2 To ask the Board of Directors of Edinburgh Youth SIP to work with the Council and its partners in developing a detailed and costed proposal for a Commission and to set up arrangements in relation to the winding down of EYSIP.
- 6.3 To refer this report to the Edinburgh Partnership with a view to securing commitment from partners to providing financial and practical support for the Commission.
- 6.4 To receive a further report with the final proposal and the related financial implications.

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Director of Children and Families

Appendices	1. Edinburgh Commission for Children & Young People - Proposal
Contact/tel	Mike Rosendale/Marion Macleod 468 3377/529 2104
Wards affected	All
Background Papers	None

EDINBURGH COMMISSION FOR CHILDREN AND YOUNG PEOPLE

PROPOSAL

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EDINBURGH COMMISSION FOR CHILDREN AND YOUNG PEOPLE

From Theory to Practice

BACKGROUND

There is increasing recognition of the need to improve the status of children and young people within the City of Edinburgh. This is evident through the development of the Youth Services Strategy Youngedinburgh, and the new Children and Families Department.

In March 2005 funding for Social Inclusion Partnerships (SIPs) and their functions will be integrated into Community Planning Partnerships (CPPs). As a thematic SIP working with socially excluded young people, EYSIP will cease to operate. However, issues around inclusion and young people's involvement in decision-making processes continue to be a priority within the city.

Previous consideration had been given within Edinburgh to the concept of a Commission for Children and Young People. The Council received a report in January 2001 outlining the possible tasks for such an entity. With this in mind EYSIP were tasked by the Council to establish what the role and remit of a Commission would be with an agreement that a consultation would take place with practitioners, key decision makers, children and young people.

VISION

The vision is of a unique resource and an expert independent 'champion' for children and young people that is strongly informed by the participation of children and young people. The focus of the Commission would be upon assisting and influencing those providing services to children and young people to better understand, respect and give effect to children and young people's rights, interests and well being. In addition to enhancing the effectiveness of existing strategies, it would be a proactive force in identifying constructive and systematic ways to advance the status of children and young people within Edinburgh

PART ONE: CHARACTERISTICS OF AN EFFECTIVE COMMISSION

- a) Independent and 'child/young people' focussed
- b) Primary concern is to promote the interests, rights and well being of children and young people
- c) It possesses a range of tools at its disposal including reviewing legislation, policy and practice, making recommendations and proposals for improvements in services, using research, publications, and the media to promote change.
- d) It has a broad overview of activities affecting children and young people that does not relate to one department and can address issues which arise in relation to children and young people in the local authority, voluntary sector and private sectors.

Previous research has outlined several key principles that underpin the role of a Children and Young Peoples Commission. EYSIP believes that the following principles need to be addressed in developing a model for Edinburgh:

- e) A Commission should be independent
- f) It should have a focus on children and young people up to the age of 19
- g) It must be transparent and accountable.
- h) Needs to have a broad perspective of children and young peoples issues
- i) Must be accessible to all children and young people

UNICEF advises that:

Not all models of commissions incorporate all of the above features, but where they are absent, the role of the commission is likely to be limited in its range of activities, in its freedom to advocate powerfully for children and young people, and in its capacity to act for all children and young people or in its ability to reflect the direct concerns of children and young people themselves.

Independence

If the Commission is to be an effective advocate for children and young people's rights, it must be able to make fearless assessments of services and lobby for change without being subject to political pressure. As an office devoted to ensuring children and young people in Edinburgh have equal access to services, and that those services are accountable to children and young people, it is inevitable that there will be criticism of some policies and practice. There are few who easily accept being criticised, so it is crucial that a level of support and partnership working is identified at an early stage and that the Commission would be seen as a '*critical friend*'.

As has been seen, Commissions are also criticised when they are not seen to be independent. If the Commission is accountable to those it may have to criticise then it cannot act independently.

EYSIP's recommendation would be that the funding for the Commission should be moved from political control and be guaranteed over a given period to enable medium-term strategic planning.

The Commission should be given the freedom to define its own priorities as well as having the ability to respond to issues that evidence shows impact directly on children and young people. Although it is vital that the Commission works closely with a range of partners, the ability to define its own priorities will ensure that issues of concern to children and young people, rather than the partners, dominate the Commissions work.

A Focus on Children and Young People up to age 19

EYSIP believes that the Commission must have a focus on children and young people up to the age of 19. This age defines the border between adulthood and childhood for most formal purposes. Children and Young People up to 19 years old are at a distinct disadvantage. As they are unable to vote, children and young people do not have a high political profile and their rights, interests and well being are vulnerable to being overlooked in favour of adults. A Commission with the functions and responsibilities outlined in the proposal document (Council Meeting August 16th 2004) provides a key, participatory means of systematically highlighting the rights, interests and well being of children and young people so that they are placed at the centre of decision making within Edinburgh. An example of this would be the Community Planning process and children and young people's role within their own communities and the role of the Commission in making sure that this is not overlooked.

The Commission would recognise that many issues affecting children and young people are not restricted to those under 19 years of age and would therefore ensure that it would be responsive to issues occurring in certain circumstances for those up to the age of 25, such as homelessness, discrimination or disability.

Accountability

It is important that a Commission is an independent body that has the ability and the power to affect change. There also needs to be a commitment from those in power to be open to change. It is recommended that protocols should be set up with the local authority and all party support for the Commission is crucial. It is also important that there are mechanisms set up to ensure that children and young people can engage with the process.

The creation of an independent agency whose key features are to advocate, support and monitor the delivery and development of all services for all young people in Edinburgh would make a significant and unique contribution in assisting the Council and agencies in assessing the effectiveness of policies and their implementation.

A Broad Perspective

The Commission must take into account a wide range of services which have an impact on children and young people. It must take account of issues that raise recurring themes and deal with these appropriately. There should be links developed with the Scottish Commissioner for Children and Young People to ensure that she has a broad overview of issues that are impacting on children and young people at city and local level in Edinburgh. The Commission should, through its work be able to identify gaps in provision for children and young people and highlight these in the planning processes within Edinburgh in order to target the needs of children and young people more effectively.

Accessibility

The Commission needs to recognise the diversity of children and young people living in Edinburgh and ensure that it is accessible to all. There should be an awareness of those children and young people who may find access particularly difficult, including those from ethnic minority backgrounds, children and young people with disabilities, those who are looked after and accommodated, LGBT young people, and children and young people who are excluded due to poverty. Children and young people must be able to access the Commission directly. The Commission should capitalize on electronic means of communication such as e-mail, Internet and text. However, it must also recognise the limitations of this form of communication particularly for children and young people who do not have easy access to the internet.

PART 2: FUNCTIONS AND RESPONSIBILITIES OF EDINBURGH COMMISSION FOR CHILDREN AND YOUNG PEOPLE

An Edinburgh Commission for Children and Young People must have the ability to undertake measures that are necessary to promote the rights, interests and well being of children and young people. There is no one 'right' model and it is important to maintain a level of flexibility in order to best meet the needs of a wide range of children and young people. It is also important to ensure that support is given to structures already existing such as the Youth Council, local youth forums, and school councils.

However the following functions are recommended as key to the effectiveness of a Commission.

- a) involve and engage children and young people
- b) perform an advocacy role
- c) review existing and proposed policies
- d) monitor policies and practice
- e) report and make recommendations
- f) provide information, referral and assistance to complainants
- g) research crucial issues
- h) promote good practice
- i) promote models of child and youth participation in decision making
- j) form partnerships

Involve and Engage Children and Young People

As the Commission would have a key advocacy role, children and young people must have the opportunity to have direct input into the Commissions work. This would ensure that their views are heard on all issues which affect them. Consultative mechanisms need to be accessible to all children and young people.

Strategies that may facilitate this process are:

- a) Local forums for children and young people where their concerns and the work of the Commission could be discussed.
- b) The setting up of advisory groups of children and young people to discuss priorities for the work of the Commission and the stance it could take on various issues.
- c) The establishment of specialist advisory groups (e.g. disability, sexual orientation etc.,)
- d) E-mail access and interactive web page.
- e) Maintaining close working relationships with children and young people's groups operating across the city.
- f) Employing appropriate strategies to consult and involve children and young people excluded from mainstream activities.

Perform an advocacy role

The Commission must be a strong advocate for the rights of children and young people in order for their interests to be considered at policy level. The Commission should also facilitate and support the development of a variety of advocacy services. Advocacy incorporates a number of functions.

- a) Promoting the interests of children and young people generally to ensure organizational accountability.
- b) Monitoring compliance with the UN Convention of the Rights of the Child
- c) Scrutiny of policies and practice
- d) Conducting and/or coordinating research to promote best practice in relation to children and young people
- e) Supporting and assisting particular disadvantaged children and young people to access services or obtain redress for complaints and problems
- f) Encouraging and supporting the development of meaningful structures to enable children and young people to be active participants in the decision making processes affecting their lives
- g) Improving the quality of life for Edinburgh's children and young people

Monitor policies and practice

The Commission should be able to monitor the policies, practice and where appropriate the resource allocations of the local authority, voluntary sector and private sector provision, to address their impact on the interests and well being of children and young people. This will ensure that children and young people are adequately considered in decision-making processes. The Commission should be empowered to request the preparation of an impact statement as part of any planning or development process that will affect children and young people. The Commission should work with the service provider in preparing these statements. The purpose of these statements would be to ensure that children and young people's interests are considered in development and planning.

Report and make recommendations

The Commission would be responsible for laying out an annual report on the work undertaken and the impact of its work. It should make recommendations for change and action and monitor these annually in such a report. It should also provide information on the status of children and young people within Edinburgh and identify current trends and issues.

Provide information and referral

In addition to an annual report the Commission would provide expert information and advice to the wider community in several ways

- a) Responding to information requests
- b) Supporting and developing networking and sharing of good practice.
- c) Assisting children and young people and their families, and other members of the community to use existing complaint mechanisms and ensuring that the person is referred to the appropriate body.

Research specific issues

The Commission would undertake proactive research to identify specific issues relating to the status of children and young people in Edinburgh and to promote their rights, interests and well-being. Issues leading to further research may be identified by any complaints received by the Commission. Recurring themes in complaints can be used to highlight systematic problems that require further investigation. To conduct this research effectively the Commission needs to access relevant statistics and other information from the local authority and other agencies. Also by collating such data, all sectors of the Edinburgh community will have a unique child centred information resource.

Promote models of children and young people's participation

The Commission would promote the participation of children and young people in decision making and policy development at all levels. This is in line with the UN Convention which states that 'the views of the child (be) given due weight in accordance with the age and maturity of the child' and that 'the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child either directly, or through a representative or an appropriate body' (Article 12: UN Convention on the Rights of the Child).

The Commission should promote greater participation by establishing best practice models, monitoring services as to the involvement of children and young people, and providing and assisting with training to departments and service providers. By directly involving children and young people in its work, and using their input to influence outcomes, the Commission would establish itself as a model of effective participation